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OFFICE OF PETITIONS

In re Application of
Lydecker, et al.
Application No. 08/850,996
Filed: May 5, 1997
Attorney Docket No. 3464/3

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DECISION ON
PETITION

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 30, 2007.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted.

The above-identified application became abandoned for failure to timely file a reply to the Notice to Corrected Application Papers mailed June 27, 2007. This Notice set a non-extendable period for reply of thirty (30) days for applicant to submit a declaration bearing the signature of inventor Thagard. No declaration having been received, the application became abandoned on July 27, 2007. The Office mailed a Notice of Abandonment on August 15, 2007.

Petitioner states that he timely filed a declaration. In support thereof, petitioner has included a copy of a USPTO date stamped postcard receipt, identifying this application, itemizing a declaration, and bearing a USPTO date stamp dated July 12, 2007.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Accordingly, it is concluded that petitioner has established that a declaration was filed in this application on July 12, 2007. However, petitioner has not supplied the Office with a copy of the declaration. Accordingly, petitioner is requested to supply such on renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions